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BROWNING-FERRIS INDUSTRIES

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-8100

September 15, 1993

Marsha A. Adams
Responsible Party Search Section
5HSM-5J
U. S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

RECEIVED
SEP 20 1993

**SUPERFUND PROGRAM
MANAGEMENT BRANCH**

Re: Requests for Information
Stickney Avenue Landfill and
Tyler Street Dump Sites

Dear Ms. Adams:

Two identical letters were received from Thomas W. Matteer, Chief, Superfund Program Management Branch of the U. S. Environmental Protection Agency ("USEPA") addressed to Browning-Ferris Industries of Ohio and Michigan, 1301 Alexis Road and 6233 Hagman Road, Toledo, Ohio. The letters request information regarding the above-mentioned sites pursuant to Section 104(e) of CERCLA.

For your information, the correct corporate entity is Browning-Ferris Industries of Ohio and Michigan, Inc. ("BFIOM"), and this response is being made on behalf of BFIOM.

A diligent search for documents has been conducted and interviews conducted with individuals who may have knowledge of the activities of the business during the relevant time period. With regard to USEPA's request for a notarized affidavit from a responsible company official or representative, we are unable to provide such an affidavit. The information provided herein is as complete and accurate as possible, but the passage of time and the departure of employees with personal knowledge make it impossible for any individual to be able to provide such an affidavit. Additionally, since this response has been prepared directly from recollections of current employees of the business, affidavits from these individuals have not been provided.

Responses to each information request are set forth below.

-1-

STICKNEY AVENUE LANDFILL SITE
AND
TYLER STREET DUMP SITE
TOLEDO, OHIO

INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

Each individual identified below is a representative of BFIOM or a current employee of BFIOM or its affiliates. I request that any contact with any of the individuals listed below be arranged through BFIOM's counsel, Robert L. Gulley, Senior Environmental Counsel, P.O. Box 3151, Houston, TX 77253, (713) 870-7694.

Kathleen Poloskey
CERCLA Activities Analyst
Browning-Ferris Services, Inc.
P. O. Box 3151
Houston, TX 77253
(713) 584-8833

Mike Fleming
District Accounting Manager
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

John Drier
Satellite Manager
BFIOM
1301 E. Alexis Road
Toledo, OH 43612
(419) 729-2273

Mickey Hoyt
Driver
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Donald Smith
Security Guard
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Dave Wongroski
Driver
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Gary Peppers
Driver
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Harry Heldt
Driver
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Sherry Heldt
Accounts Payable
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Larry Dick
Driver
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Gary Davenport
Supervisor, Front-end and Roll-off Accounts
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Bob Beckstein
Customer Service Manager
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Carl Nagley
Dispatch
BFIOM

6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Jeff Wilson
Manager, Recyclery
BFI Waste Systems of Ohio, Inc.
P. O. Box 17
Sandusky, OH 44870
(419) 626-2454

Richard Joseph
~~Sales Manager~~ *Dist. Developer.*
BFIOM *etc.*
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

Jim Hermann
Compliance/Safety Manager
BFIOM
6233 Hagman Road
Toledo, OH 43611
(419) 472-1165

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

Without waiving any rights or defenses, BFIOM states that it has consulted, examined or referred to the following documents in preparing this response:

- a. BFIOM Accounts Payable records from 1973 to 1981.
- b. BFIOM customer files located at its Toledo district office.
- c. Documents evidencing the purchase of assets from Community Sanitation Service, Inc. ("CSSI"), Ter-Mar, Inc. and S.E. Freeman & Sons Cartage, Inc. by BFIOM in 1971.
- d. Corporate documents for CSSI, Ter-Mar, and S. E. Freeman.
- e. Contract documents and related correspondence between CSSI and its customers, 1962 - 1968.
- f. CSSI, Ter-Mar and S. E. Freeman accounting and financial records, including CSSI customer lists.

g. Various files and notes of interviews of former CSSI employees, conducted in anticipation of litigation. BFIOM objects to producing these documents because they are protected by the attorney-client privilege and the attorney work-product doctrine.

h. CSSI, et al. general correspondence 1963 - 1971.

BFIOM will provide copies of non-privileged documents upon request, but is not including copies with its response because of the volume and lack of relevance to the sites. Alternatively, the non-privileged documents identified in this response will be made available to USEPA for review upon request.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

BFIOM has been told that CSSI did transport materials to the Stickney Avenue Landfill and the Tyler Street Dump. The following individuals were employees of CSSI and may have knowledge of waste transported to the Stickney Avenue Landfill and Tyler Street Dump sites by CSSI:

BFIOM has also been advised that Barton Sanitation, Benton Sanitation, and Waste Management, Inc. ("WMI") transported materials to the Stickney and Tyler sites. See response to 6 and 7 below for additional information.

4. List the EPA Identification Numbers of the Respondent.

BFIOM (Central Michigan Division Solid Waste)
3604 Page Avenue
Jackson, Michigan 49203
(517) 764-6000
EPA ID #MID985610989

BFIOM (Toledo Solid Waste)
P.O. Box 5069
Point Place Station
6233 Hagman Road
Toledo, Ohio 43611
(419) 472-1165
EPA ID #MID058732788

BFIOM (Vienna Junction Landfill Satellite)
P.O. Box 5069
Toledo, Ohio 43611
(419) 472-1165
EPA ID #MID058732788

BFIOM (Great Lakes Medical Waste Satellite)
1301 East Alexis Road
Toledo, Ohio 43612
(419) 729-2273
EPA ID #MID058732788

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

Without waiving any rights or defenses, BFIOM asserts that it does not have information responsive to this request.

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

BFIOM did not use the Stickney Avenue Landfill or the Tyler Street Dump, and denies any liabilities in connection with the sites. Moreover, BFIOM simply purchased some of the assets of CSSI, S. E. Freeman and Ter-Mar, and thus did not acquire the liabilities of these companies.

As stated earlier, BFIOM has been advised that CSSI did transport materials to the Stickney Avenue Landfill and the Tyler Street Dump. Former employees of CSSI who may have knowledge or information about the use of the Stickney and Tyler sites by CSSI and its customers are identified in response to Request No. 3.

Donald Smith is a former CSSI employee who currently works for BFIOM. He may be able to provide information regarding CSSI's use of the Tyler Street Dump. Another current BFIOM employee, Harry Heldt, previously worked for Barton Sanitation, Benton Sanitation and WMI. He recalls hauling materials to Stickney and Tyler when he worked for these companies, but not for BFIOM. I request that any contact with Mr. Smith or Mr. Heldt be arranged through BFIOM's counsel, Robert L. Gulley.

In addition to CSSI, Barton, Benton, and WMI, other waste transporters who may have used the Stickney Avenue Landfill and/or Tyler Street Dump are:

A. W. Stevens (Stevens Landfill)
O'Dell Lonsway
R & K Sanitation
Barry Cousins Refuse Service

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

Without waiving any rights or defenses, BFIOM asserts that it has never arranged for disposal or treatment or arranged for transportation for disposal or treatment of any materials of any kind to the Stickney Avenue Landfill or the Tyler Street Dump site.

BFIOM has been advised that CSSI and Benton Sanitation transported waste materials to the Stickney and Tyler sites. BFIOM has also been advised that Barton Sanitation and WMI transported waste to the Tyler site. Based upon employee interviews, BFIOM believes that WMI may be the successor-in-interest to Barton and Benton.

- a) The persons with whom you or such other persons made such arrangements;

BFIOM has been advised by Harry Heldt that CSSI hauled waste for Kaiser Aluminum and other customers to the Stickney and Tyler sites. He recalls that CSSI customers included Champion Spark Plugs, Dana Corporation, DeVilbiss Industrial Products, Dupont, Dura Corporation,

Jeep AMC, and Spicer Corporation. Mr. Heldt observed CSSI dumping at the sites while he was also dumping at the sites as an employee of both Barton and Benton.

While working for CSSI, Donald Smith recalls transporting waste for the following CSSI customers to the Tyler Street Dump site:

Champion Spark Plugs
 Driggs Dairy
 Pinkerton Tobacco
 Roberts Rubber
 Sofo Cheese
 White Hut

b) Every date on which such arrangements took place;

To the best of Mr. Heldt's knowledge, CSSI and Benton hauled waste to Stickney for approximately 1 year sometime during the mid-to-late 60's; and hauled waste to Tyler for approximately 4 years around 1963-67. Barton also transported waste material to the Tyler site for approximately 4 years during 1963-67. WMI allegedly acquired Benton in January 1972, and continued to use the Tyler site until approximately 1974, when WMI allegedly opened its own landfill. In addition, in the early 70's, WMI took over from CSSI the Jeep AMC and Kaiser Aluminum accounts and continued to transport waste for these accounts to the Tyler Dump.

c) For each transaction, the nature or the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

BFIOM has been advised by Mr. Heldt that the process which generated the waste materials for the customers identified in 7a above was as follows. Other than Kaiser Aluminum, he has no information regarding the nature of the waste materials for those customers identified in 7a. Note that BFIOM has no personal knowledge of the information from Mr. Heldt's testimony contained in response 7c, and has made no attempt to verify the accuracy of his statements.

Champion Spark Plugs -- manufactured spark plugs.

Spicer Corporation -- manufactured transmissions.

Dana Corporation -- manufactured automobile and transmission parts.

Dura Corporation -- manufactured transmission parts.

Dupont -- manufactured paints.

DeVilbiss Industrial Products -- manufactured atomizers and paint spray guns.

Jeep AMC -- manufactured Jeep cars/trucks.

Kaiser Aluminum -- manufactured paint for aluminum siding. According to Mr. Heldt, this facility generated drums of liquids which he believes were transported and disposed at the Stickney and Tyler sites by CSSI.

Mr. Heldt believes that Barton transported commercial waste to the Tyler site. Other than Jeep AMC and Kaiser Aluminum, he is unable to recall specific descriptions of accounts whose waste was hauled by Benton and WMI to the Tyler site.

To the best of Mr. Smith's knowledge, all waste he transported on behalf of CSSI to the Tyler site was commercial waste.

- d) The owner of the waste materials or hazardous substances so accepted or transported;

See response to 7a above.

- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

BFIOM has no information regarding the quantity of waste hauled to either the Stickney or Tyler site by CSSI, Barton, Benton or WMI.

- f) All tests, analyses, and analytical results concerning the waste materials;

BFIOM has no information regarding any tests, analyses or analytical results concerning the waste materials transported to the Stickney and Tyler sites by CSSI, Barton, Benton or WMI.

- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

BFIOM has no information regarding who may have selected either the Stickney or Tyler sites in any of the CSSI, Barton, Benton or WMI transactions.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

BFIOM has no information regarding payments in connection with each transaction involving CSSI, Barton, Benton or WMI. BFIOM has been advised that during the 60's and early 70's there was no exchange of paperwork at either the Stickney or Tyler site. Taxpayers allegedly paid indirectly for disposal by paying taxes to the City Streets Division or some other division for the City of Toledo.

- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

Without waiving any rights or defenses, BFIOM asserts that it has no information responsive to this request.

- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

Without waiving any rights or defenses, BFIOM asserts that it has no information responsive to this request.

- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;

Without waiving any rights or defenses, BFIOM asserts that it has no information responsive to this request.

- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

Without waiving any rights or defenses, BFIOM asserts that it has no information responsive to this request.

- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.

BFIOM has no information regarding any measures taken by CSSI, Barton, Benton or WMI to determine the actual methods, means, and site of treatment or disposal of the waste materials.

- n) The type and number of containers in which the waste materials or hazardous substances were contained when

they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

Other than the drums allegedly generated by Kaiser Aluminum, BFIOM has no information regarding the type and number of containers transported by CSSI, Barton, Benton or WMI to the Stickney and Tyler sites.

- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.

See response to h above. BFIOM has no further information regarding the price paid for transport and/or disposal of materials by CSSI, Barton, Benton or WMI to the Stickney and Tyler sites.

- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.

BFIOM has no documents responsive to this request.

- q) All persons with knowledge, information, or documents responsive to a - p above.

Harry Heldt (BFIOM)
Donald Smith (BFIOM)

I request that any contact with these individuals be arranged through BFIOM's counsel, Robert L. Gulley.

8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

BFIOM objects to Request No. 8 to the extent that it seeks information that is not relevant to the sites defined in the Request for Information. Furthermore, nothing in CERCLA § 104(e) requires BFIOM to provide this information.

Please direct all questions and future correspondence regarding this response and the Stickney and Tyler sites to BFIOM's counsel, Robert L. Gulley. His address is identified in response to Request No. 1.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard L. Cochran".

Richard L. Cochran
Division Manager

xc: Reader
File
Donna L. Kolar, Esq.
Robert L. Gulley, Esq.
Michael L. Miller

KMP/md/2075